

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MALCOLM HAYMOND	§	
VS.	§	CIVIL ACTION NO. 1:22cv566
TIA BEY, ET AL.	§	

MEMORANDUM OPINION AND ORDER

Plaintiff Malcolm Haymond, an inmate confined at the Johnston Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Tia Bey, Jeremy Trimble, Penny Liles, Bridgette Hayes and Brian Collier.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, pursuant to which this case is brought, does not contain a specific provision governing venue. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, subject-matter jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue over the lawsuit is proper only in the judicial district where the defendant resides or in which the claims arose. Tile 28 U.S.C. § 1406(a) provides that a case filed in the wrong division may be transferred to any district where it could have been brought.

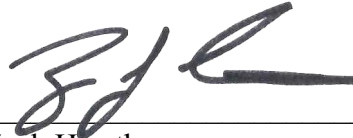
Plaintiff's claims concern events that occurred at the Darrington Unit, which is in Brazoria County, Texas. Pursuant to 28 U.S.C. § 124, Brazoria County is located in the Galveston Division of the Southern District of Texas. Plaintiff's claims therefore arose in Brazoria County. In addition, four of the defendants appear to reside in Brazoria County. This lawsuit has no apparent connection to the Eastern District of Texas.

As plaintiff's claims did not arise in the Eastern District of Texas and the defendants do not reside in the Eastern District, venue is not proper in this court. This case will therefore be transferred to the Galveston Division of the Southern District of Texas.

ORDER

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the Galveston Division of the United States District Court for the Southern District of Texas.

SIGNED this 5th day of December, 2022.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge